

**UNITED STATES DISTRICT COURT**  
for the  
**MIDDLE DISTRICT of PENNSYLVANIA**

HERSHEY CREAMERY COMPANY,	)	
<i>Plaintiff</i>	)	
v.	)	Civil Action No. 1:18-CV-0694
LIBERTY MUTUAL FIRE INSURANCE COMPANY and	)	
LIBERTY INSURANCE CORPORATION, ,	)	(Chief Judge Conner)
<i>Defendants</i>	)	

**JUDGMENT IN A CIVIL ACTION**

The court has ordered that (*check one*):

- the plaintiff \_\_\_\_\_ recover from the defendant (*name*) \_\_\_\_\_ the amount of dollars (\$ \_\_\_\_\_), which includes prejudgment interest at the rate of \_\_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_\_ %, along with costs.
- the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) \_\_\_\_\_ recover costs from the plaintiff (*name*) \_\_\_\_\_ .

other: **DECLARATORY JUDGMENT be and is hereby ENTERED** in favor of plaintiff HERSHEY CREAMERY COMPANY, and against defendants LIBERTY MUTUAL FIRE INSURANCE COMPANY and LIBERTY INSURANCE CORPORATION, as to Hershey's declaratory judgment claim against Liberty Mutual (Count I) regarding Liberty Mutual's duty to defend, as follows: IT IS ORDERED AND DECLARED that Liberty Mutual has a duty to defend Hershey in the action pending in the United States District Court for the District of Delaware captioned F'Real Foods, LLC v. Hamilton Beach Brands, Inc., No. 1:14-CV-1270 (D. Del. 2014), as subsequently consolidated with the related action captioned F'Real Foods, LLC v. Hamilton Beach Brands, Inc., No. 1:16-CV-41 (D. Del. 2016), in accordance with the courts' memorandum (Doc. 29) and order (Doc. 30), of May 6, 2019.

This action was (*check one*):

- tried by a jury with Judge or Magistrate Judge \_\_\_\_\_ presiding, and the jury has rendered a verdict.
- tried by Judge or Magistrate Judge \_\_\_\_\_ without a jury and the above decision

decided by Judge or Magistrate Judge \_\_\_\_\_ Chief Judge Christopher C. Conner

**MOTION FOR PARTIAL SUMMARY JUDGMENT**

Date: \_\_\_\_\_ May 6, 2019 CLERK OF COURT PETER WELSH, Clerk of Court  
K. McKinney, Deputy Clerk

